



COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

SPECIAL TOWN MEETING

To the Constable of the Town of Maynard, in said County,

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the voters of said Maynard, to assemble IN **FOWLER SCHOOL AUDITORIUM**, THREE TIGER DRIVE IN SAID town, on Monday, March 26, 2018 at 7:00 p.m. then and there to act on the following articles:

SPECIAL NOTICE TO VOTERS

On Monday, March 19, 2018 at 7:00 P.M., a public hearing will be held at the Maynard Town Hall, Michael J. Gianotis Room, Room 201, to discuss with any citizen who desires further information, as to the recommended budget, and any special Articles in the Warrant to which the Finance Committee has made a recommendation. Explanation and discussion concerning these matters may be helpful in the interest of saving time at the Special Town Meeting. Your participation is welcome.

ADA ADVISORY

Anyone in need of special arrangements for the Town Meeting, such as wheelchair arrangements or signing for the hearing impaired, please contact the Office of the Selectmen at (978) 897-1301 by March 19, 2018 in order for reasonable accommodations to be made.

PROCEDURES AT TOWN MEETING

Order of Articles: Articles are voted on in the order they are presented unless Town Meeting votes to do otherwise.

Secret Ballot Votes: The Moderator determines whether or not an article requires a secret ballot according to Town By-laws. If the Moderator determines that an Open Vote applies to an article, at least 25 voters may request that a secret ballot vote be taken. The request for a secret ballot vote must be made prior to the open vote being taken.

Amending an Article at Town Meeting: Any time after a main motion has been made and seconded, but before being voted on, it is possible to amend the main motion:

1. Ask the Moderator for recognition.
2. Present a motion to amend verbally and submit a copy of the motion in writing to the Moderator. The motion to amend must include your name as sponsor, any change in appropriation and its source.
3. The motion to amend must be seconded.
4. The motion to amend must be voted on by Town Meeting separately from the main motion.
5. The motion to amend must pass by a simple majority vote.
6. More than one motion to amend can be made to the main motion, but must be presented and voted on one at a time. A motion to amend must be made before the main motion is voted on.
7. After all motions to amend are voted, the main motion, (or as amended), must be voted on.

Reconsider an Article: An article may be reconsidered, that is revoted, **only** within thirty (30) minutes of the time that the main article (motion) was voted on. An article can only be reconsidered once. To reconsider:

1. Ask the Moderator for recognition.
2. Ask for reconsideration within the thirty (30) minute time limit. The Moderator can now finish present business, which may go on beyond thirty (30) minute limit. However, The Moderator shall take up the reconsideration as the next order of business.
3. At the proper time, present your motion for reconsideration and state your name.
4. At the Moderator's option, he can move the motion without further discussion.

NECESSARY MAJORITIES*

9/10 majority is required for unpaid bills of prior fiscal years (Special Town Meeting) that had no appropriation.

4/5 majority is required for unpaid bills of prior fiscal years, (Annual Town Meeting).

2/3 majority is required for all borrowing, land acquisitions or transfers and zoning by-laws.

Simple majority is required for all else, such as: regular By-laws, current appropriations and transfers, unpaid bills of prior years that have money appropriated but arrived too late to be included.

NOTE:

Yes and No votes will only be considered in the calculation of percentages. To figure the percentage, divide the Yes votes by the total Yes and No votes.

Example: 100 Yes, 50 No, and 20 Blanks shall be interpreted as:

$$\frac{100 \text{ Yes}}{100 \text{ Yes} + 50 \text{ No}} = 66.7\% \text{ or } 2/3$$

*Please note these vote quanta are for example only and there may be other types of votes, which fall under each of the categories listed above.

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ARTICLE 1: AFFORDABLE HOUSING TRUST CHAPTER 35 SECTION 4 & COMMUNITY PRESERVATION COMMITTEE CHAPTER 11, SECTION 2

To see if the town will vote to amend the Town By-Laws as follows:

In Chapter 35 Affordable Housing Trust, Section 4. Meetings of the Trust, replace the text, “G.L. Chapter 39, Sections 23A, 23B and 23C” with the text, “G.L. c. 30A, §§ 18-25”

And in Chapter 11, Community Preservation Committee, Section 2: Meetings, Quorum, Chair: A. replace the text “MGL c.39, §23B”, with the text, “G.L. c. 30A, §§ 18-25”

To do or act thereon.

SPONSORED BY: Bylaw Committee
APPROPRIATION: None
FINCOM RECOMMENDATION: Approved

Comments: In the approval letter from the Attorney General’s office for the By-Laws approved by the 2017 Annual Town Meeting, it was pointed out that an outdated citation was used, given a change in the Massachusetts Open Meeting Law. A search though the rest of the By-Laws found a second citation in the Community Preservation Committee By-Law, which also requires updating.

ARTICLE 2: BOARD OF HEALTH NUISANCES CHAPTER 21 SECTION 1 AND 2

To see if the town will vote to amend the Town By-Laws as follows:

In Chapter 21 Nuisances, Section 1 replace the text, “2nd Offense - \$25.00” and “3rd Offense - \$50.00” with the text, “2nd Offense - \$50.00” and “3rd Offense - \$100.00”

And in Chapter 21 Nuisances, Section 2 replace the text, “under a penalty not less than two dollars (\$2) nor more than three hundred dollars (\$300)” with the text, “under a penalty of three hundred dollars (\$300)”

To do or act thereon.

SPONSORED BY: Bylaw Committee
APPROPRIATION: None
FINCOM RECOMMENDATION: At town meeting

Comments: These fines have not been raised in decades and are now being changed to a more appropriate value. Also we have been advised by town counsel that all fines should have a specific value and not be given as a range.

ARTICLE 3: NON-CRIMINAL DISPOSITION CHAPTER 15 SECTION 5

To see if the town will vote to amend the Town By-Laws as follows:

Delete the following text in Chapter 15 NON-CRIMINAL DISPOSITION OF BY-LAW VIOLATIONS, Section 5

Chapter 21 Nuisances; Section 1 (Rubbish Nuisances)

Penalty:	First Offense	- Written Warning
	Second Offense	- \$25.00
	Third Offense	- \$50.00
	And each day thereafter	

Enforcing Person: Health Officer
Police Officers

Chapter 28 Fire Alarm Systems; Section 7 (Fire Alarm System Malfunctions Fines)

Penalty:	First through third malfunction	- no charge
	Fourth through sixth malfunction	- \$100.00
	Seventh through eleventh malfunction	- \$200.00
	Each malfunction after the eleventh	- \$300.00

Enforcing Person: Fire Chief
Fire Captains
Police Officers

Chapter 18 Section 4 Placement of Numbers on Residences

Penalty:	First Offense	- Written Warning
	Each subsequent offense	- \$10.00
	Each day that such violation continues shall constitute a separate offense.	

Enforcing Person: Fire Chief
Fire Captains
Police Officers

Chapter 24 Dog Owner's Responsibility Law

Penalty:	First Offense	- Written Warning
	Second Offense	- \$10.00
	Third Offense	- \$25.00
	Each subsequent offense	- \$50.00
	Each day that such violation continues shall constitute a separate offense.	

Enforcing Person: Dog Control Officer

and

Chapter 27 Alarm System; Section 8 (False Alarms)

Penalty:	First through three	- Written Warning
	Each false alarm after three in a calendar year	- \$15.00

Enforcing Person: Police Officers

and

Chapter 32 Wetlands Administration

Penalty	First Offense	-Written warning
	Each subsequent offense	-\$100

Each day that such violation continues shall constitute a separate offense.

Enforcing Person: Conservation Agent
Conservation Commissioner
Police Officer

and

Chapter 33 Storm Drain System By-Law

Penalty	First Offense	-Written warning and/or \$100
	Second Offense	-\$200
	Third and subsequent offenses	-\$300

Each day or part thereof that such offense occurs or continues shall constitute a separate offense. The enforcing officer shall be the DPW Superintendent.

To do or act thereon.

SPONSORED BY: Bylaw Committee

APPROPRIATION: None

FINCOM RECOMMENDATION: Approved

Comments: It is believed that Chapter 15 Section 5 was established to place all the fines in the By-Laws in one place in order to facilitate updating them. However, it currently only has a small fraction of the total number of fines in the By-Laws and in many cases, still duplicates the fines listed in the originating By-Law. This article starts the process to remove the redundant listing in Chapter 15.

ARTICLE 4: ESTABLISH DISABLED AND ELDERLY TAXATION RELIEF FUND CHAPTER 60 SECTION 3D

Establish Disabled and Elderly Taxation Relief Fund

To see if the town will vote to accept the provisions of G.L. c. 60, Section 3D to establish a Disabled and Elderly Taxation Relief Fund for the purpose of, “defraying the real estate taxes of elderly and disabled persons of low income, who in the judgement of the funds administrators, are unable to contribute fully toward their public charges”.

The governing fund administrators, will be a committee comprised of the Town Treasurer, the Chairman of the Board of Assessors and 3 residents appointed by the Board of Selectmen, to be known as the “Taxation Aid Committee”. The Taxation Aid Committee shall adopt rules and regulations to carry out the provisions of G.L. c. 60, Section 3D and to identify the recipients of such aid

The fund will be created and maintained with voluntary donations. Contribution forms may be mailed with the annual excise tax bills to all residents in Maynard.

To do or act thereon.

SPONSORED BY: Board of Selectmen
APPROPRIATION: None
FINCOM RECOMMENDATION: At town meeting

Comments:

ARTICLE 5: HAZARDOUS MATERIALS CHAPTER 29 SECTION 3E

To see if the town will vote to amend the Town By-Laws as follows:

In Chapter 29 Hazardous Materials, Section 3E, delete the following text,

“First Offense in calendar year	\$ 25.00
Second Offense in calendar year	\$ 50.00
Third and each subsequent offense in calendar year”	\$100.00

To do or act thereon.

SPONSORED BY: Bylaw Committee
APPROPRIATION: None
FINCOM RECOMMENDATION: Approved

Comments: These fines appear in the definition section of the By-Law, and seem to be the result of a cut and paste error. They also conflict with fines that appear later in the By-Laws.

ARTICLE 6: NUISANCE, OUTSIDE DINING CHAPTER 21 SECTION 17A AND 17B

To see if the town will vote to amend the Town By-Laws as follows:

In Chapter 21 Nuisances, Section 17A replace the text, “the sale of food or non-alcoholic beverages” with the text, “the sale of food or beverages, either alcoholic or non-alcoholic”

And in Chapter 21 Nuisances, Section 17B replace the text, “assessed a penalty not less than five dollars (\$5) nor more than three hundred dollars (\$300)” with the text, “assessed a penalty of one hundred dollars (\$100)”

To do or act thereon.

SPONSORED BY: Bylaw Committee

APPROPRIATION: None

FINCOM RECOMMENDATION: Approved

Comments: Outdoor dining is expected to play a significant role in Maynard's continued development as an arts, cultural and entertainment destination as well as part of its Cultural District identity. Both the Economic Development Committee and the Cultural Council have supported increased outdoor dining options as part of the Assabet Village Cultural District.

Currently Maynard’s By-laws are unclear regarding the serving of alcohol in outdoor dining areas.

The ability for dining establishments to serve alcohol in outdoor dining areas is an extension of their indoor menu and will provide an incentive for Maynard’s restaurants to consider adding outdoor dining enhancements. Maynard’s Cultural District is expected to be an increasing draw for downtown. The National Restaurant Association recommends outdoor (alfresco) dining for a way to increase business activity and especially in areas where there is heavy foot traffic.

The proposed By-law Amendment would allow outdoor dining with alcohol, by permission of the Board of Selectmen. The Amendment will both eliminate any confusion and continue to cultivate business investment for Maynard.

Also we have been advised by town counsel that all fines should have a specific value and not be given as a range.

ARTICLE 7: SMOKING, DELETE CHAPTER 21 SECTION 26

To see if the town will vote to amend the Town By-Laws as follows:

Delete Chapter 21 Section 26

To do or act thereon.

SPONSORED BY: Bylaw Committee
APPROPRIATION: None
FINCOM RECOMMENDATION: Approved

Comments: The Section contained By-Laws that referred to Board of Health Regulations that controlled the use, sale and distribution of tobacco; smoking in public places; smoking in places where food is sold; and smoking in public buildings. The regulations that were cited were between 18 and 30 years old. Rather than update the By-Laws every time the regulations are changed, the committee concluded that references do not need to be in the By-Laws and can be enforced as Board of Health Regulations.

ARTICLE 8: SOLID WASTE COLLECTION, CHAPTER 7 SECTION 3

To see if the town will vote to amend the Town By-Laws as follows:

Delete Chapter 7 Section 3 and create new By-Law as follows:

CHAPTER 37

SOLID WASTE COLLECTION

Section 1: Overall Authority. The Board of Health shall be responsible for providing overall direction and enforcement of those areas of any of the solid waste programs that are assigned to it by state law, local bylaw, the Board of Selectmen or the Town Administrator. In furtherance hereof, and in accordance with G.L. c. 111 §31B the Board of Health shall make rules and regulations, including the establishment of fees, for the control of the removal, transportation or disposal of garbage, offal or other offensive substances. Additionally, the Board of Health shall make rules and regulations for the control of recycling and leaf and yard waste collections and disposal. The Board of Health shall hold a public hearing in accordance with G.L. c. 111 §31 prior to the adoption of said regulations.

Section 2: Day to Day Management. The Department of Public Works, shall be responsible for the establishment and overall management of the Town of Maynard collection, management and disposal of residential solid waste, including but not limited to curbside collection of trash, residential refuse, recycling, leaf collection, drop off collection, and shall conduct said management consistent with the Rules and Regulations established by the Board of Health. Notwithstanding the foregoing, the licensing of contractors and dumpsters shall remain under the management of the Board of Health.

Section 3: Violations and Penalties. Any person who violates any prohibition contained in the Solid Waste Regulations adopted by the Board of Health shall be subject to a fine of \$300.00 for each offense; where each day the offense occurs being deemed a separate offense and each improperly disposed of item shall constitute a separate offense. The fines noted hereunder shall be in addition to and not in place of any fine or penalty provided for by the General Laws of the Commonwealth of Massachusetts.

Enforcement: The Public Health Agent, Director of Public Works or designee, the Maynard Police Department, shall each have authority to enforce the provisions and issue citations as necessary of this bylaw.

To do or act thereon.

SPONSORED BY: Bylaw Committee
APPROPRIATION: None
FINCOM RECOMMENDATION: Approved

Comments: The Solid Waste Collection section of the Board of Health By-Law is currently buried in the By-Law. The By-Law Committee felt that given that this section references not only the Board of Health but also the Department of Public Works and the Maynard Police Department, it should be its own By-Law. A clarification was made in Section 3 of the new By-Law, so that the fine stated in Section 3 only applied to the Solid Waste Regulations and not all Board of Health Regulations.

ARTICLE 9: UTILITY POLE, DELETE CHAPTER 21 SECTION 27

To see if the town will vote to amend the Town By-Laws as follows:

Delete Chapter 21 Section 27 Utility Pole By-Law and create new By-Law as follows:

CHAPTER 38

UTILITY POLES

Section 1: No holder of a grant of location pursuant to Massachusetts General Law, Ch. 166, § 22 or any public or private entity or utility company (“Licensee”) or any person having any facilities attached to Licensee’s utility pole, or any of their successors or assigns shall allow or cause the continuation of a condition, such condition being the existence of more than one of Licensee’s utility pole(s) within three feet of another of Licensee’s utility pole(s) on any public or private way within the Town of Maynard (the “Town”), which condition existed as of or prior to the effective date of this Section 26A, without the prior written permission of the Board of Selectmen of the Town of Maynard (the “Board”). Such permission, which may contain conditions, shall be in the form of an order (the “Order”) issued by the Board in the manner hereinafter described.

Section 2: Following a public hearing held with not less than fourteen days prior notice to the Licensee and published notice, the Board may issue an Order to Licensee, for itself and as agent for any other person having an interest in such pole(s) or facilities attached thereto, permitting the condition to continue or, upon the determination that more than one utility pole at any given location presents a nuisance, hazard or threat to the public safety, welfare or convenience to the inhabitants of the Town, for the removal, relocation or alteration of or to any utility pole or poles in excess of one at any such location.

Section 3: Any Licensee which becomes subject to any Order issued by the Board pursuant to this Section 26A requiring the removal, relocation or alteration of or to any utility pole or poles, shall fully comply with the terms and conditions of any such Order within not less than one hundred and eighty (180) days from the date of its issuance; such period may be extended by the Board in its sole and absolute discretion. In the event of noncompliance with the terms of any such Order issued by the Board, as same may be modified by the Board in its sole and absolute discretion, the Board may take whatever enforcement action it deems appropriate, including, without limitation, the imposition of a fine against Licensee, for itself and as agent for any other person having an interest in such pole(s) or facilities attached thereto, of up to three hundred (\$300.00) dollars per day for each day of noncompliance; removal by the Town or its agents or contractors of any pole or poles subject to such Order (at the sole cost and expense of Licensee, for itself and as agent for any other person having an interest in such pole(s) or facilities attached thereto); injunctive relief in any court of competent jurisdiction restraining the continued existence of any such pole or poles subject to such Order; or any other penalties, impositions or relief as the Board may deem necessary.

Section 4: No holder of a grant of location pursuant to Massachusetts General Law, Ch. 166, § 22 or any public or private entity or utility company (“Licensee”) or any person having any facilities attached to Licensee’s utility pole, or any of their successors or assigns shall, after the effective date of this Section 26B, place more than one of Licensee’s utility pole(s) within three feet of another of Licensee’s utility pole(s) on any public or private way within the Town of Maynard (the “Town”) and allow such condition to continue for more than one hundred fifty (150) days (the “Allowed Period”), without the prior written permission of the Board of Selectmen of the Town of Maynard (the “Board”), which permission may contain conditions.

Section 5: Following the expiration of the Allowed Period and a public hearing held with not less than fourteen days prior notice to Licensee and published notice, the Board may issue an “Order” to Licensee, for itself and as agent for any other person having an interest in such pole(s) or facilities attached thereto, permitting the condition to continue beyond the Allowed Period or, upon the determination that more than one utility pole at any given location presents a nuisance, hazard or threat to the public safety, welfare or convenience to the inhabitants of the Town, may issue an order (the “Order”) to Licensee, for itself and as agent for any other person having an interest in such pole(s) or facilities attached thereto, for the removal, relocation or alteration of or to any utility pole or poles in excess of one at any such location within a stipulated period, such period not to be less than sixty (60) days (the “Removal Period”).

Section 6: Any Licensee which becomes subject to any such Order issued by the Board pursuant to this Section 26B requiring the removal, relocation of alteration of or to any utility pole or poles, shall fully comply with the terms and conditions of any such Order within the Removal Period; such period may be extended by the Board in its sole and absolute discretion. In the event of noncompliance with the terms of such Order issued by the Board, as same may be modified by the Board in its sole and absolute discretion, the Board may take whatever enforcement action it deems appropriate, including, without limitation, the imposition of a fine against Licensee, for itself and as agent for any other person having an interest in such pole(s) or facilities attached thereto, of up to three hundred (\$300.00) dollars per day for each day of noncompliance; removal by the Town or its agents or contractors of any pole or poles subject to such Order (at the sole cost and expense

of Licensee, for itself and as agent for any other person having interest in such pole(s) or facilities attached thereto); injunctive relief in any court of competent jurisdiction restraining the continued existence of any such pole or poles subject to such Order; or any other penalties, impositions or relief as the Board may deem necessary.

To do or act thereon.

SPONSORED BY: Bylaw Committee
APPROPRIATION: None
FINCOM RECOMMENDATION: Approved

Comments: The Utility Pole By-Law section is currently buried in the Nuisances By-Law. It is involved enough and important enough to have its own Chapter in the By-Laws.

ARTICLE 10: ACCEPTANCE OF GIFT OF LAND

To see if the Town will accept a gift of land located at Parker Street, Maynard, Middlesex County, Massachusetts, shown as “Parcel A” on a certain plan entitled “Approval Not Required Plan of Land Maynard Crossings JV, LLC Lot 152 and 152-1 Map 25 Town Of Maynard Middlesex County Commonwealth of Massachusetts Control Point Associates, Inc. 252 Turnpike Road Southborough, MA 01772 date 9-27-17” (the “Plan”) which Plan is on file with the Town Clerk, said Parcel A contains 11,529 square feet, more or less, for general municipal purposes under the care, custody and control of the Board of Selectmen, or take any action relative thereto.

SPONSORED BY: Board of Selectmen
APPROPRIATION: None
FINCOM RECOMMENDATION: Approved

ARTICLE 11: ACCEPTANCE OF EASEMENT

To see if the Town will accept an Easement over, on, below and within that portion of the premises shown as “Easement Area A” on that certain Plan of Land entitled “Easement Plan Maynard Crossings JV, LLC Lot 152 and 152-1 Map 25 Town Of Maynard Middlesex County Commonwealth of Massachusetts Control Point Associates, Inc. 252 Turnpike Road Southborough, MA 01772 date 10-18-17” (the “Easement Plan”) which Plan is on file with the Town Clerk, said Easement Area A contains 21,360 square feet according to said Plan, for general municipal purposes under the care, custody and control of the Board of Selectmen, or take any action relative thereto.

SPONSORED BY: Board of Selectmen
APPROPRIATION: None
FINCOM RECOMMENDATION: At town meeting

ARTICLE 12: LOCAL ACCEPTANCE OF TAX PROVISION

Local Acceptance of Tax Provision

Shall the Town vote to accept the provisions of Massachusetts General Laws Chapter 64N, Section 3 to impose a 3% local sales tax on the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the Town of Maynard.

SPONSORED BY: Board of Selectmen
APPROPRIATION: None
FINCOM RECOMMENDATION: At town meeting

ARTICLE 13: BOARD OF SELECTMEN AS LICENSE AUTHORITY CHAPTER 94G SECTION 3

Board of Selectmen as License Authority

To see if the Town will vote to amend the Town of Maynard General By-laws, by adding the following chapter, or take any action thereto:

CHAPTER 39.
MARIJUANA LICENSE

Section 1: No person shall carry on the business cultivate, process, package, deliver, obtain, manufacture, process, package, brand, sell or otherwise transfer, or test marijuana or marijuana products, or otherwise operate a Marijuana Establishment as defined by Massachusetts General Laws Chapter 94G within the Town unless first duly licensed thereof by the Board of Selectmen.

Section 2: The Board may adopt reasonable rules and regulations related to the issuance of such licenses, including the fees to be paid therefore and the conditions to be satisfied by any applicant for such a license.

Section 3: Applicants for a license shall file an application on a form by the Board of Selectmen, signed under the penalties of perjury by the applicant, containing such information as the Board of Selectmen may reasonably require from time to time. Each applicant shall pay an application fee as may be reasonably determined from time to time by the Board of Selectmen.

Section 4: The Board of Selectmen must act upon the application at one of their next two regularly scheduled meetings, holding a public hearing thereon, with due written notice provided to the applicant of the time, date and location where such hearing will be heard.

Section 5: The Board of Selectmen may approve, deny or approve the application with conditions. Such decision shall be based on the evidence taken at the public hearing, consistent with the protection of the health, safety and welfare of the public, and consistent with the regulations promulgated by such board.

Section 6: The Board of Selectmen may issue orders as appropriate to aid in the enforcement of this regulation and may enforce these provisions in equity, including the request for injunctive relief, in a court of competent jurisdiction. Any failure to comply with any Order issued hereunder shall result in the issuance of a formal warning. Any failure to comply with such a warning shall result in a fine of \$100.00. Any failure to comply after the issuance of said initial

fine may be punishable by a subsequent fine of \$300.00. Each day of a continued non-compliance shall constitute a separate violation. Further, the Board of Selectmen may hold a hearing, with notice to the licensee, to determine if such license should be modified, suspended or revoked.

Section 7: Home Rule Amendment [art. 89 of the Amendments to the Massachusetts Constitution]; Charter, Article 3, Section 3-2, Massachusetts General Laws, Chapter 94G, § 3, 935 CMR 500.000.

SPONSORED BY: Board of Selectmen
 APPROPRIATION: None
 FINCOM RECOMMENDATION: At town meeting

Sponsor Comments: Massachusetts General Law 94G provides cities and towns with the right to establish a local licensing authority for the regulation of various marijuana businesses. This is similar to the law that provides the Board of Selectmen with licensing authority for alcohol sales. The BOS will be able to create rules, regulations, and a fee structure as well as annually review licensing for each such establishment.

ARTICLE 14: AMEND THE TOWN OF MAYNARD ZONING BY-LAWS – MARIJUANA RETAILER

To see if the Town will vote to amend the Town of Maynard Zoning By-laws as follows:

- 1. AMEND SECTION 3.1.2, USE REGULATIONS, TABLE A, “4. BUSINESS USES”** to add and allow the following use by Special Permit of the Planning Board within the: “Business” (B) “Central Business” (CB), and “Health Care Industrial” (HCI) Zoning Districts: **Marijuana Retailer**.

This will amend the Use Regulations Table as depicted below.

4. Business Uses	S-1	S-2	GR	B	CB	HCI	I	GA	OS
<i>Marijuana Retailer</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>PB</i>	<i>PB</i>	<i>PB</i>	<i>N</i>	<i>N</i>	<i>N</i>

- 2. AMEND SECTION 3.1.2, USE REGULATIONS, TABLE A, “5. INDUSTRIAL USES”**, to add and allow the following uses by Special Permit of the Planning Board within the: “Health Care Industrial” (HCI) and “Industrial” (I) Zoning Districts: **Craft Marijuana Cultivator Cooperative, Marijuana Cultivator, Marijuana Testing Facility, and Marijuana Product Manufacturer**.

This will amend the Use Regulations Table as depicted below.

5. Industrial Uses	S-1	S-2	GR	B	CB	HCI	I	GA	OS
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<i>Craft Marijuana Cultivator Cooperative</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>PB</i>	<i>PB</i>	<i>N</i>	<i>N</i>
<i>Marijuana Cultivator</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>PB</i>	<i>PB</i>	<i>N</i>	<i>N</i>
<i>Marijuana Testing Facility</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>PB</i>	<i>PB</i>	<i>N</i>	<i>N</i>
<i>Marijuana Product Manufacturer</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>PB</i>	<i>PB</i>	<i>N</i>	<i>N</i>

3. AMEND SECTION 3.1.2, USE REGULATIONS, TABLE A, “5. ACCESSORY AND OTHER USES”, to prohibit a **Craft Marijuana Cultivator Cooperative as an accessory use in all zoning districts.**

This will amend the Use Regulations Table as depicted below.

6. Accessory Uses and Other Uses	S-1	S-2	GR	B	CB	HCI	I	GA	OS
<i>Craft Marijuana Cultivator Cooperative</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>

4. AMEND SECTION 7.9 TO INCLUDE THE FOLLOWING USE REGULATIONS:

7.9.1 Spacing Requirements. No Marijuana Establishment shall be located within three hundred (300) feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12.

Distances shall be calculated by direct measurement of a straight line from the nearest point of the school to the nearest point of the Marijuana Establishment premises to be licensed.

7.9.4 Further Criteria:

1. In addition to this by-law, any permit applied for and/or issued shall comply with all State laws and regulations concerning Marijuana Establishments.
2. In addition to the criteria and requirements set forth hereunder, the provisions of Section 10.4 shall apply to Special Permits under this Section.

3. No permit shall be granted hereunder to any applicant, principal officer, agent, owner or manager of a Marijuana Establishment who has been convicted of a felony in the Commonwealth of Massachusetts or convicted of an offense in another state that would be a felony in the commonwealth, except a prior conviction solely for a marijuana offense or solely for a violation of section 34 of chapter 94C of the General Laws, unless the offense involved distribution of a controlled substance, including marijuana, to a minor. The application shall include proof of the foregoing, by sworn statement and including submission to a CORI from the Chief of Police for each of the aforementioned individuals. The Chief of Police shall report to the SPGA prior to the close of the public hearing whether or not the applicant complies with these criteria.
4. The hours of operation of a Marijuana Establishment may be set by the SPGA.
5. There will be no products displayed in the facility's windows or visible from any street or parking lot.
6. Signage will conform to the sign by-laws in Section 6.2 and any exterior sign may identify the establishment but will not contain any other advertisement.

5. AMEND SECTION 11.0 TO ADD THE FOLLOWING DEFINITIONS:

Craft Marijuana Cultivator Cooperative is a marijuana cultivator comprised of residents of the commonwealth organized as a limited liability company or limited liability partnership under the laws of the commonwealth, or an appropriate business structure as determined by the commission, and that is licensed to cultivate, obtain, manufacture, process, package and brand marijuana and marijuana products to deliver marijuana to marijuana establishments but not to consumers, as defined the Massachusetts General Laws, Chapter 94G.

Marijuana Cultivator is an entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers, as defined the Massachusetts General Laws, Chapter 94G.

Marijuana Establishment is considered a cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business, all as defined the Massachusetts General Laws, Chapter 94G, said Marijuana Establishments shall be deemed independent of any other definition in this by-law and not a subset or subcategory of any other category.

Marijuana Product Manufacturer is an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers, as defined the Massachusetts General Laws, Chapter 94G.

Marijuana Retailer is an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers, as defined the Massachusetts General Laws, Chapter 94G, further provided that Marijuana Retailers may not be considered Retail Business in any other context.

Marijuana Testing Facility is an entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants, as defined the Massachusetts General Laws, Chapter 94G.

To do or act thereon.

SPONSORED BY: Planning Board
APPROPRIATION: None
FINCOM RECOMMENDATION: At town meeting

Comments:

The addition of “Marijuana Establishment” as uses along with the accompanying definition, are to provide guidelines for the siting of such facilities and require a Special Permit for each. If approved by the Town Meeting, these uses -by Special Permit- will allow:

1. A Marijuana Retailer use within the “Central Business” (CB), “Business” (B) and “Health Care Industrial” (HCI) Zoning Districts.
2. A Craft Marijuana Cultivator Cooperative, Marijuana Cultivator, Marijuana Testing Facility, or Marijuana Product Manufacturer use within the “Health Care Industrial” (HCI) and “Industrial” (I) Zoning Districts.

Maynard voters approved Question 4 appearing on the state election ballot on November, 2016 to allow the non-medical use of marijuana by adults. Because of the approval of Question 4, without zoning by-laws the location of Marijuana Establishments would be largely unrestricted in commercial zoning districts. This article creates zoning by-laws to regulate where Marijuana Establishments can be located.

The proposed zoning by-laws in this article cover only the basic zoning restrictions. Additional regulatory framework will be developed from the Board of Selectmen and the Board of Health.

ARTICLE 15: ACQUISITION OF LAND FOR FIRE DEPARTMENT

To see if the Town will vote to authorize the Board of Selectman to purchase, acquire, or take by eminent domain, and to raise and appropriate, either by appropriation, borrowing or otherwise, a sum of money to fund said purchase or taking along with all associated legal and engineering costs necessary, a portion of the property located at 30 Sudbury Street and portions of 146 Main Street, as well as a portion of Church Place, so called, Maynard, Massachusetts as more fully set forth on a plan by Nitsch Engineering, 2 Center Plaza, Suite 430, Boston MA, titled “Proposed ANR Limits / Final Parcel Exhibit” dated 7/26/17 revised dated February 5, 2018 (see Appendix A, page 20)

including 41,418sq. ft. more or less, shown as the area indicated as the “Proposed Limits of Final Parcel Configuration for Taking” and which plan is on file with the Town Clerk, the acquisition of said land having been determined to be necessary for the health and welfare of the inhabitants of Maynard and to be used for fire department purposes under the care, custody and control of the Board of Selectman; or pass any vote or take any action relative thereto

To do or act thereon.

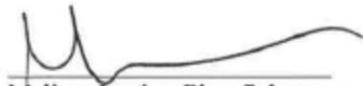
SPONSORED BY: Board of Selectmen
APPROPRIATION: \$460,000 from Capital Stabilization
FINCOM RECOMMENDATION: At town meeting

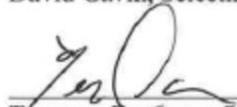
Sponsor Comments: Over more than two years, the Town’s Fire Station Building Committee has researched the needs for a new fire station. This includes finding a suitable site. The committee looked at 16 sites in town and conducted three requests for proposals to buy land. This article asks the Town Meeting to approve the acquisition of the land through purchase, acquiring, or eminent domain and to appropriate the cost of the purchase from Capital Stabilization funds. The cost of the land has already been negotiated with owner after an appraisal verified its highest and best use price. Acquiring the land allows the Town to proceed with site specific design and to pursue funding through state and federal grants.

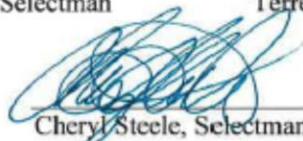
Given under our hands this *20th* day of February *in* the year of Two Thousand and Eighteen.


Chris DiSilva, Selectman


David Gavin, Selectman


Melissa Levine-Piro, Selectman


Terrence Donovan, Selectman


Cheryl Steele, Selectman

A true copy, Attest  Constable of Maynard.
Mary McCue

